

MEETING MINUTES  
OFFENDER REGISTRATION WORKING GROUP

Kansas Pottawatomie Tribal Police Department / Old Bingo Hall

January 18, 2012 1:30 – 3:00PM

Minutes of the Meeting:

1. Al Deathe, Sergeant, Douglas County Sheriff's Office, called the meeting to order and introduced himself. The remaining attendee's introduced themselves. A briefing of the last Working Group meeting was provided.
2. Copies of the Kansas Offender Registration Act, with changes/recommendations noted in red, were provided to those persons needing the same. The floor was open for review and discussion.

3. Sedgwick County Sheriff's Department

**Issue:** Numerous "re-registering" of offenders due to transfers to other county jails; returns to their jail (from other county jails detaining their offenders); transport back to detaining jail...

**Response:** (Nicole Dekat) As long as the offender remains in the *legal custody* (not physical custody) of Sedgwick County, the offender doesn't need to be "re-registered" with each move, but the KBI does need to be notified of the offenders current physical location and this can be done via email or written communication.

4. Kyle Smith, KBI Deputy Director and legislative liaison, advised he attended a meeting with Representative Pat Colloton, chair of the Joint Committee on Corrections and Juvenile Justice Oversight, and Attorney General Derek Schmidt, Eric Montgomery (Chief of Staff) and Nicole Dekat (KBI Offender Registration Unit).

Representative Colloton presented her concerns/comments regarding the Adam Walsh Act and the Kansas Offender Registration Act, consisting of the following:

- a. The Adam Walsh Act has a sunset provision and has not been reauthorized and has until 7/1/12 to be reauthorized.
- b. The term "hospital" should be removed from being included in the definition of a treatment facility as that was not the intent with regards to requiring registration.

**K.S.A. 22-4902** (p) "Treatment facility" means any public or private facility, ~~hospital~~ or institution providing inpatient treatment or counseling.

The intent was to have treatment facilities providing mental health treatment for sex offenders "register" (notify KBI and Sheriff's Department of offender's presence) such offenders.

It was not the intent to have hospitals "register" offenders who are receiving medical treatment.

**Issue:** What if mental health treatment "facility" is inside hospital?

**Issue:** Is advising the Sheriff's Department that a specific sex offender is receiving mental health treatment a violation of HIPPA?

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c. It was suggested offenders be given 5 days to register, not 3 days as currently provided per KORA.

d. It was also suggested those offenders who are doing well (no missed registration, no new sexual or non-sexual offenses, original offense was misdemeanor...) be allowed to register fewer times during the year.

e. Problems associated with disclosing employers' identification and location of businesses who hire sex offenders were noted, such as:

- Making reintegration difficult
- Hard to get a job as employers don't want to hire sex offenders
- Hard to keep a job once public becomes aware of sex offender status

**Issue:** Without disclosing businesses who hire sex offenders it would be difficult to make sure sex offenders hired in such positions as contractors, are not hired to work on jobs in day care centers, schools, playgrounds, parks...

f. Exceptions to lifetime registration for juveniles were discussed, such as:

Allowing juveniles to petition the court to not have to register any more after 25 years, if the court finds the offender has

- been compliant with registration requirements
- not received any other adjudications/convictions
- completed sex offender treatment
- completed supervision

**Issue:** Would we have to allow adult sex offenders apply to stop registering too?

**Issue:** Would we allow sex offenders residing in Kansas, who have been ordered to register by another state's court, to petition a Kansas court to stop registering after 25 years?

What court would the offender petition?

**Issue:** Does allowing offenders ordered to register by a state other than Kansas, to stop registering after 25 years conflict with the current law of having to register for the longer period of time as determined by the ordering state's law and Kansas law, even when the ordering state requires the offender to register for more than 25 years?

**Recommendation:** Let the legislature decide.

**ORWG Discussion:**

1. Clarification was requested in K.S.A. 22-4904(b), which states: "*At the time of initial custody, the staff of any correctional facility shall*"...

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**Recommendation:** Include Sheriff's designee in those registering sex offenders, editing to read K.S.A. 22-4904 (b) to read as, "*At the time of initial custody, the staff of any correctional facility or Sheriff's designee shall*"...

2. For those agencies not equipped to take palm prints you will need to take sex offender palm prints manually for registration purposes.
3. Currently the KORA requires sex offenders with their primary residence in the state of Kansas to surrender all driver's licenses and identification cards from other states and obtain a Kansas driver's license or identification card (see statute for military exclusions). Additionally, require offenders to obtain a dl/id if never had one in Kansas.

**Issue:** Does this requirement violate any constitutional rights afforded the offender?

4. Change registration fee from \$20 to \$25 to counter the increase in responsibilities of the Sheriff's offices (hiring additional staff)

**Recommendation:** Do not change the fee.

5. Why are drug offenders (other than trafficking offenders) linked with sex offenders and violent offenders with regards to registering and the offender registration web site?

**Recommendation:** Remove drug offenders (excluding drug trafficking/meth manufacturing ) from the registry.

6. The KBI Website (KSORT) is projected to be up and running June 2012. This will allow for on-line/electronic registration in the Kansas and national database.

7. Next ORWG Meeting: April 18, 2012  
1:00PM – 3:00 PM  
Sedgwick County  
(address to be emailed at later date)

8. Agenda for next meeting: Review/Discuss By-Laws  
Elect ORWG Chair  
Determine core membership  
Additional issues to be announced if needed

9. Meeting Adjourned at 3:00PM